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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,369	11/14/2003	Peter M. Beasley	NETW:1000	9152

34725 7590 02/09/2007  
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EXAMINER
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RIMELL, SAMUEL G

ART UNIT	PAPER NUMBER
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2164

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/09/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/713,369

Applicant(s)

BEASLEY, PETER M.

Examiner

Sam Rimell

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 10, 12-15, 17-20 and 22-33 is/are pending in the application.
- 4a) Of the above claim(s) 23-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 10, 12-15, 17-20, 22, 32-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**SAM RIMELL**  
**PRIMARY EXAMINER**

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

Response to Election Requirement: Applicant has elected Group III with traverse. Applicant argues that the election requirement is merely a conclusion without reasons. This argument is not correct. The previous office action established how many groups were part of the election, the exact claims belonging to each group, the nature of the differing subject matter in each group and the classifications of each group. This is more than just a conclusion that a restriction is required. Applicant also argues that the explanations are insufficient. This argument is not correct. The explanations are proper and sufficient for a species election. Applicant further argues there is no serious burden imposed by examining all the groups. This argument is not correct. A search of all the groups would eventually involve searching five additional subclasses collectively containing 13,193 patents, not counting U.S. Pre-Grant publications for each of the five subclasses. This is considered to meet the criteria for serious burden of additional search. The restriction requirement is made final, although this office action is non-final.

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-5, 10, 12-15, 17-20, 22 and 32-33 are rejected under 35 U.S.C. 101 because the claimed invention is inoperative and therefore lacks utility.

Claims 1, 12, 20 and 32: Each of the independent claims 1, 12, 20 and 32 contain the phrase "all the records are linked to one another in a dual closed loop structure". As best as can be understood, a "closed loop" is a closed circular path not connected to any other path. Thus, dual closed loops would be two closed circular paths which are not connected to one another. Since all the records have to be linked to one another and dual closed loops are not connected to

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each other, it is not possible to link all the records together in a dual closed loop structure.

Accordingly, the claimed invention defines an inoperative system and therefore lacks utility.

Claims 2-5, 10, 13-15, 17-19, 22 and 33: Depend from claims 1, 12, 20 or 32 respectively.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-5, 10, 12-15, 17-20, 22 and 32-33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1, 12, 20 and 32: Each of claims 1, 12, 20 and 32 includes the phrase "all the records are linked to one another in a dual closed loop structure". This feature is not recited in the original disclosure. The term terminology "dual closed loop" is only used twice in the original disclosure. Paragraphs 0004 and 0023 of the original specification both state:

*"The present invention is specialized to take advantage of the unique characteristics of infrastructures systems using a dual core loop structure to represent the assets ..."*

The original specification states that it is the infrastructure, not the records, which use the dual core loop structure. There is no suggestion that the records are actually arranged in this manner. Accordingly, the claimed quotation from claims 1, 12, 20 and 32 is new matter.

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Claims 1, 12, 20 and 32: Each of claims 1, 12, 20 and 32 refer to “business interconnection rules”. The terminology or concept of “business interconnection rules” or “interconnection rules” cannot be located in the original disclosure. Accordingly, the feature is new matter.

Claims 2-5, 10, 13-15, 17-19, 22 and 33: Depend from claims 1, 12, 20 or 32 respectively.

Remarks

Applicant’s arguments are moot in light of the new grounds of rejection. This office action follows the filing of an RCE request and is made non-final.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (571) 272-4084.



Sam Rimell  
Primary Examiner  
Art Unit 2164